

**State of New York
Commission on Judicial Nomination**

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December 22, 2015
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FOR IMMEDIATE RELEASE

**The Commission on Judicial Nomination Releases List of Seven Nominees In
Connection With Vacancy**

Under New York's State Constitution, the Commission on Judicial Nomination is charged with evaluating, and then recommending to the Governor, candidates to fill vacancies on the State's highest court, the Court of Appeals of the State of New York. The Commission vigorously seeks out, carefully evaluates and then nominates to the Governor well qualified candidates from the extraordinary, diverse community of lawyers who have been admitted to practice in New York State for at least 10 years.

In connection with the vacancy on the Court created by the retirement of Associate Judge Susan P. Read on August 24, 2015, the Commission today has released its Report to the Governor. The Report contains the names of seven candidates who in the Commission's collective judgment are well qualified, by virtue of their character, temperament, professional aptitude, experience, qualifications and fitness for office, to fulfill the duties of that high office.

The Commission's Report follows months of outreach efforts that were conducted through public announcements, individual solicitations of applications and an informational meeting held by the Commission in New York City. These efforts resulted in the receipt of 52 applications. The applicant pool was also diverse. Of those 52 applicants, 15 (28%) were women and 10 (19%) of diverse backgrounds. The Commission ultimately interviewed 20 candidates, of whom 7 (36%) were female and five (26%) were of diverse backgrounds.

Judge Judith S. Kaye, Chair of the Commission, stated, "I am gratified at the extraordinary quality and diverse backgrounds of our applicants. That so many exceptional candidates were motivated to apply demonstrates the remarkable strength and depth of the legal profession in the State of New York."

The Commission's seven nominees (in alphabetical order) to the Governor are:

- Michael J. Garcia, Esq., attorney in private practice (Kirkland & Ellis LLP);
- Hon. Judith J. Gische, Associate Justice, Appellate Division, First Department;
- Caitlin J. Halligan, Esq., attorney in private practice (Gibson, Dunn & Crutcher LLP);
- Hon. Erin M. Peradotto, Associate Justice, Appellate Division, Fourth Department;
- Benjamin E. Rosenberg, Esq., General Counsel, New York County District Attorney's Office;
- Rowan D. Wilson, Esq., attorney in private practice (Cravath, Swaine & Moore, LLP);
- Stephen P. Younger, Esq., attorney in private practice (Patterson Belknap Webb & Tyler LLP).

By law, the Governor is required to make his appointment from among this list no sooner than 15 nor more than 30 days after receipt of the Commission's Report. The State Senate then, within 30 days after receipt of the Governor's choice, must confirm or reject the appointment. The Commission underscores the importance of compliance with these mandates, so that the Court is returned to full strength as promptly as possible.

The next scheduled vacancy on the Court of Appeals will occur on January 1, 2017, due to Associate Judge Eugene F. Pigott, Jr.'s mandatory retirement by reason of age.

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December 22, 2015

The Honorable Andrew M. Cuomo
Executive Chamber
State Capitol
Albany, New York 12224

Dear Governor Cuomo:

As Chair of the Commission on Judicial Nomination, it is my privilege to report to you on behalf of the Commission, pursuant to Article 6, Section 2 of the New York State Constitution, and Section 63(3) of Article 3-A of the Judiciary Law, the names of seven candidates for your consideration for appointment to the office of Associate Judge of the Court of Appeals of the State of New York. These candidates in the collective judgment of the Commission are well qualified, by virtue of their character, temperament, professional aptitude, experience, qualifications and fitness for office, to discharge the duties of that high office. The vacancy in that office is the result of the resignation of Associate Judge Susan P. Read, effective August 24, 2015.

Candidate List

The candidates thus nominated by the Commission for the office of Associate Judge (listed in alphabetical order) are:

- Michael J. Garcia, Esq.,
- Hon. Judith J. Gische
- Caitlin J. Halligan, Esq.
- Hon. Erin M. Peradotto;
- Benjamin E. Rosenberg, Esq.
- Rowan D. Wilson, Esq.
- Stephen P. Younger, Esq.

Each candidate recommended for the office of Associate Judge has been interviewed by the Commission and each has filed the financial statement required by law, which is being transmitted to you separately. A summary of the careers of the recommended candidates is attached. Section 66(2) of the Judiciary Law provides that “[t]he governor shall have access to all papers and information relating to persons recommended to him by the commission.” At your request, the Commission will furnish you with any such material or information, which requests should be directed to the Commission’s Counsel, Henry M. Greenberg.

Commission Outreach

In assembling the Candidate List, the Commission amply complied with its mandate to “conduct broad outreach to encourage wide participation in the application process.” 22 N.Y.C.R.R. § 7100.6. For example, the Commission disseminated Statewide notice of the vacancy and application procedure, and continued its outreach efforts through the date of the application deadline. Notice was sent to the media, bar associations, New York law schools, and members of the judiciary and State government. The Commissioners also engaged in individual solicitation of applications by qualified candidates.

The Commission extended its original deadline for submitting applications for this vacancy from August 10, 2015 to August 24, 2015 to ensure that the size and composition of the pool of applicants represented the broadest possible spectrum of qualified candidates, and to give applicants additional time during the summer months. In its press release announcing the extension, the Commission stated that it would take a fresh look at all applications submitted for this vacancy, evaluating candidates who previously submitted applications for the position of Chief Judge and expressed interest in being considered for the Associate Judge vacancy, as well as considering all new applicants.

On August 12, 2015, the Commission conducted an informational meeting at the New York City Bar Association, concerning the vacancy and the candidate application process. The meeting included as speakers and panelists: Debra L. Raskin, President, New York City Bar Association; Howard A. Levine, former Associate Judge of the Court of Appeals; Henry M. Greenberg, Counsel to the Commission; and myself.

These outreach efforts were once again successful. The Commission disseminated 86 applications through its website. Ultimately, 52 candidates submitted applications to the Commission. Of the 52 candidates, 41 of them had previously submitted applications for at

least one prior vacancy, and 11 candidates newly applied for the current vacancy. 15 (28%) of the applications were submitted by female candidates and 10 (19%) by candidates of diverse backgrounds.

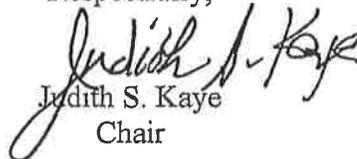
The Commission met on December 14 and 15, 2015, to conduct in-person interviews of candidates. Of the 19 total applicants interviewed in connection with the current vacancy, 7 (36%) were female, and 5 (26%) were of diverse backgrounds. As before, the Commission interviewed candidates from around the State, of varying personal and professional backgrounds, drawing from the bench, practicing bar and academia.

Consistent with past practice, the Commission staff investigated the qualifications of the applicants. The result of each investigation was reported to the Commission and discussed before and after the interviews. The Commission sought by its investigations and interviews to address each candidate's character, temperament, professional aptitude, experience, qualifications and fitness for office.

Importance of Timing of the Appointment

By law, the Governor is required to make his appointment to fill Judge Read's vacancy from among the seven names provided here no sooner than 15 nor more than 30 days after receipt of this Report. The State Senate then, within 30 days after receipt of the Governor's choice, must confirm or reject the appointment. Once again we underscore the importance of compliance with these mandates, so that the Court of Appeals is returned to full strength as promptly as possible.

Respectfully,


Judith S. Kaye
Chair

NOMINEE BIOGRAPHIES (in alphabetical order)

Michael J. Garcia, Esq.

Michael J. Garcia, a partner at Kirkland & Ellis LLP in New York City, was found by the Commission to be well qualified for the position of Associate Judge based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. He was previously nominated by the Commission for the position of Chief Judge of the Court of Appeals earlier this year. He was interviewed by the Commission for Judge Read's vacancy on December 14, 2015.

Mr. Garcia received his undergraduate degree with honors from the State University of New York at Binghamton in 1983, and an M.A. degree from the College of William & Mary 1984. In 1989, he received his law degree (summa cum laude) from Albany Law School, where he graduated as valedictorian. He began his legal career as an associate at Cahill Gordon & Reindel LLP. From 1990 to 1992, he served as Law Clerk to Hon. Judith S. Kaye, then Associate Judge of the New York Court of Appeals.

From 1992 to 2001, Mr. Garcia served as an Assistant United States Attorney for the Southern District of New York. In 2001, he became Assistant Secretary of Commerce for Export Enforcement in the Bureau of Industry and Security, and in December, 2002, he became Acting Commissioner of the Immigration and Naturalization Service at the United States Department of Justice. From March, 2003 to August, 2005, he served as Assistant Secretary for Immigration and Customs Enforcement at the United States Department of Homeland Security. Mr. Garcia was the United States Attorney for the Southern District of New York from 2005 to 2008, when he joined Kirkland & Ellis LLP.

Mr. Garcia is the Chair of the Board of Trustees of El Museo del Barrio. He previously was Vice President of the Americas for INTERPOL, the international police organization from 2003 to 2006. From 2012 to 2014, he was Chair of the Investigatory Chamber of the Ethics Committee of the Federation Internationale de Football Association.

Hon. Judith J. Gische

Justice Judith J. Gische, an Associate Justice of the Appellate Division, First Department, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was interviewed by the Commission on December 14, 2015.

Justice Gische received her undergraduate degree (magna cum laude) from the State University of New York ("SUNY") at Buffalo in 1977 and law degree from SUNY Buffalo Law School in 1980. She served as a Judicial Clerk for the Appellate Division, Third Department, from 1980 through 1981, after which she was in private practice in New York City from 1982 until 1990. From 1990 to 1993, she was a Housing Court Judge of the Civil Court of the City of New York. In 1993, she was elected Judge of the Civil Court of the City

of New York, and in 1997 was appointed Acting Justice of the New York State Supreme Court. In 2008, she was elected Justice of the New York State Supreme Court. She was appointed to the Appellate Division in 2012.

Justice Gische has served as an Adjunct Professor at New York Law School, and a lecturer and mentor for the Summer Justice Academy for Young Women, a collaboration of the New York State Women Judges Association and Pace Law School. She currently serves as Chair of the Judicial Section of the New York County Bar Association, Board member of the New York City Chapter of the Women's Bar Association of New York, and member of the Deans Advisory Committee of the SUNY Buffalo Law School.

Caitlin J. Halligan, Esq.

Caitlin J. Halligan, a partner at Gibson, Dunn & Crutcher LLP in New York City, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was previously nominated by the Commission for the position of Chief Judge of the Court of Appeals earlier this year. She was interviewed by the Commission for Judge Read's vacancy on December 14, 2015.

Ms. Halligan received her undergraduate degree (cum laude) from Princeton University in 1988 and her law degree from Georgetown University Law Center (magna cum laude) in 1995. She was Managing Editor of the Georgetown Law Review. Upon graduation from law school, Ms. Halligan served as Law Clerk to Hon. Patricia Wald of the United States Court of Appeals for the District of Columbia Circuit (1995-1996), and Hon. Stephen Breyer, Associate Justice of the Supreme Court of the United States (1997-1998). She also served as an associate at Wiley, Rein, and Fielding in Washington, D.C. (1996-1997) and Howard, Smith & Levin in New York City (1998 to 1999).

From 1999 to 2000, Ms. Halligan served as head of the Internet Bureau in the Office of the New York State Attorney General. In 2001, she became First Deputy Solicitor General for the State of New York, and from 2001 to 2007 served as Solicitor General for the State of New York. Ms. Halligan returned to private practice in 2007 as a partner at Weil, Gotshal & Manges LLP. In 2009, she became General Counsel to the New York County District Attorney's Office. She served in that post until 2013, when she joined Gibson, Dunn & Crutcher LLP as Co-Chair of the Appellate and Constitutional Law practice group.

Since 2005, Ms. Halligan has been a member of Columbia Law School's Adjunct Faculty.

Hon. Erin M. Peradotto

Justice Erin M. Peradotto, an Associate Justice of the Appellate Division, Fourth Department, was found by the Commission to be well qualified for the position of Associate Judge based on her character, temperament, professional aptitude, experience, qualifications and fitness for office. She was previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2014. She was interviewed by the Commission for Judge Read's vacancy on December 15, 2015.

Justice Peradotto received her undergraduate degree (magna cum laude) from the State University of New York ("SUNY") at Buffalo in 1981 and law degree from SUNY Buffalo Law School in 1984. From 1985 to 1997, she worked in private practice as a trial attorney. From 1997 to 1998, she served as the Assistant Attorney General in Charge of the Buffalo Regional Office of the New York State Attorney General's Office. She returned to private practice from 1999 to 2004, when she was elected Justice of the New York State Supreme Court. She was appointed to the Appellate Division in 2006.

Justice Peradotto has served on the New York State Ethics Commission for the Unified Court System since 2011, and served as President of the Bar Association of Erie County from 1997 to 1998.

Benjamin E. Rosenberg, Esq.

Benjamin E. Rosenberg, currently General Counsel to the New York County District Attorney's Office, was found by the Commission to be well qualified for the position of Associate Judge of the State of New York based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. He was interviewed by the Commission on December 14, 2015.

Mr. Rosenberg received his undergraduate degree (magna cum laude) from Harvard College in 1981. He graduated in 1985 from Harvard Law School (magna cum laude), where he was Editor and Treasurer of the Harvard Law Review. He served as Law Clerk to Hon. Edward R. Becker of the United States Court of Appeals for the Third Circuit. He was an associate at Wachtell, Lipton, Rosen & Katz LLP from 1986 through 1990. From 1990 to 1994, he served as an Assistant United States Attorney for the Southern District of New York. In 1994, he returned to private practice and became a partner in 1996 at the law firm now known as Dechert, LLP. His litigation practice focused on criminal and regulatory investigations and complex commercial litigation. He interrupted his private practice in 2007, when he served as Chief Trial Counsel to the New York State Attorney General. He returned to Dechert, LLP in 2008 and remained there until 2014, when he assumed his present position.

Mr. Rosenberg is a lecturer in both the Law and American Studies departments at Columbia Law School, on topics ranging from corporate investigations and sentencing to the Supreme Court in American History.

Rowan D. Wilson, Esq.

Rowan D. Wilson, a partner at Cravath, Swaine & Moore in New York City, was found by the Commission to be well qualified for the position of Associate Judge based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. He was previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2013 and in 2014 (twice), and for the position of Chief Judge earlier this year. He was interviewed by the Commission for Judge Read's vacancy on December 14, 2015.

Mr. Wilson received his undergraduate degree (cum laude) from Harvard College in 1981. He graduated from Harvard Law School (cum laude) in 1984, where he was a member of the Civil Rights/Civil Liberties Law Review. From 1984 to 1986, Mr. Wilson served as Law Clerk to Hon. James R. Browning, Chief Judge of the United States Court of Appeals for the Ninth Circuit. Following the clerkship, he joined Cravath as an associate and became a partner in 1992.

In his litigation practice, Mr. Wilson has handled cases in the areas of antitrust, intellectual property, contract, securities fraud, civil rights and employment law. He is currently the partner in charge of supervision of Cravath's pro bono work and has also been actively involved in pro bono matters himself, including representation of a class of employees of Jefferson County, Alabama, in an ongoing lawsuit alleging non-compliance with a consent decree designed to assure fair hiring practices and opportunities for career advancement for minorities.

Mr. Wilson has served as Chair of the Neighborhood Defender Service of Harlem since 1996, and is on the Board of Directors of Wide Horizons for Children.

Stephen P. Younger, Esq.

Stephen P. Younger, a partner at Patterson Belknap Webb & Tyler LLP in New York City, was found by the Commission to be well qualified for the position of Associate Judge based on his character, temperament, professional aptitude, experience, qualifications and fitness for office. He was previously nominated by the Commission for the position of Associate Judge of the Court of Appeals in 2014 and Chief Judge in 2015. He was interviewed by the Commission for Judge Read's vacancy on December 14, 2015.

Mr. Younger received his undergraduate degree from Harvard College in 1977. He graduated in 1982 from Albany Law School (magna cum laude), where he was Editor-in-Chief of the Albany Law Review. From 1982 to 1984, he served as Law Clerk to Hon. Hugh R. Jones, Associate Judge of the New York Court of Appeals. Following the clerkship, Mr. Younger joined Patterson Belknap as an associate and became a partner in 1990. Mr. Younger also served as Associate General Counsel to the Commission on Judicial Nomination from 1993-2006, and as Counsel to the Commission from 2006-2013.

Mr. Younger's litigation practice concentrates in the areas of commercial litigation and arbitration, cross-border disputes, alternative dispute resolution, appellate practice and government investigations. He also has been actively involved in pro bono matters and was recognized for his pro bono work by the New York State Bar Association and the Volunteer Lawyers Project.

For more than 30 years, Mr. Younger has been an active member of the New York State Bar Association, where he served as President from 2010 to 2011. He is a Vice-Chair and Chair of Membership and Development with the Historical Society of the New York Courts. He also is a member of the Governor's Judicial Screening Committee for the First Department, Chief Judge Jonathan Lippman's Commercial Division Advisory Council, the Brooklyn Legal Services Corporation Advisory Council, and a past member of Chief Judge Lippman's Task Force on Commercial Litigation in the 21st Century.